

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GEORGE RAINY,)
)
Plaintiff,)
)
v.) Civil Action No. 3:21CV213-HEH
)
UNKNOWN,)
)
Defendant.)

MEMORANDUM OPINION
(Dismissing Action Without Prejudice)

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). In his current complaint, Plaintiff does not identify the particular constitutional right that was violated by the defendants' conduct and his allegations also fail to provide the defendant with fair notice of the facts and legal basis upon which his or her liability rests. Accordingly, by Memorandum Order entered on October 4, 2021, the Court directed Plaintiff to submit a particularized complaint within fourteen (14) days of the date of entry thereof. The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action.

More than fourteen (14) days have elapsed since the entry of the October 4, 2021 Memorandum Order. Plaintiff has failed to submit a particularized complaint. The Court notes that Plaintiff did return a copy of the October 4, 2021 Memorandum Order to the Court with a handwritten notation next to word “UNKNOWN” in the case caption, indicating that Plaintiff is “try[ing] to find out who[’s] name bel[o]ng[s] here.” (See ECF No. 16, at 1.) However, Plaintiff does not ask for an extension of time to file his particularized complaint, nor does he address any of the other deficiencies in his current complaint, which required the Court to order him to particularize in the first instance. Accordingly, the action will be dismissed without prejudice.

An appropriate order will accompany this Memorandum Opinion.



/s/

Henry E. Hudson
Senior United States District Judge

Date: Nov. 2, 2021
Richmond, Virginia